



HELSINKI COMMISSION HEARING

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My name is Paul Goldenberg. I am the National Security Consultant for the American Jewish Committee. The American Jewish Committee is the United States' premier human relations organization with over 125,000 members and supporters and chapters in 33 cities across the United States. We also have active programs and offices in other parts of the world, including Europe, with offices in Berlin, Geneva and Brussels.

Thank you, Mr. Chairman for the opportunity to testify today about the follow-up to the historic OSCE conference in Berlin. I applaud you and this commission for today's discussion about concrete steps in the aftermath of the Berlin meeting. Unless the meeting is followed up with concrete initiatives, it will not have served its purpose – to define an action plan against growing antisemitism in Europe.

I'm here today because I have over 15 years experience in helping governments in the United States and abroad focusing law enforcement institutions to the problem of hate crimes and ethnic terrorism; and how best to mobilize to combat them. My last law enforcement assignment was as the nation's first chief of a fulltime hate crimes unit with statewide jurisdiction. Over the years I have been involved with directing over 250 hate crime arrests. I am also one of the authors of The Federal Law Enforcement Center's National Hate Crime Training Program. In addition I have helped to set up hate crime units in police forces throughout Canada and the United States; I have also assisted the Japanese government in similar initiatives and have also consulted with law enforcement agencies in the United Kingdom and Germany.

I speak to you today not as an academic, but as a practitioner and former law enforcement executive who has personally seen the impact of hate crimes on victims and on communities. I know the huge difference when such crimes are investigated in a framework which treats them seriously versus situations in which they are not.

I also, incidentally, speak to you as someone who relearned firsthand the meaning of antisemitism recently when I had to respond to my 11-year old son, who came home from school baffled and upset after having been called a "kike." I had to look in his eyes and attempt to respond to his question "Dad, what did Jewish people ever do to anybody?" I can just imagine the father in Paris recently who, rather than having to deal with a child victimized

by a slur, had to console his 17-year-old son who had been stabbed. What could he possibly say to him? Antisemitism is not academic, it is real.

Today's hearing is entitled "Government Actions to Combat anti-Semitism in the OSCE Region." But government cannot do it alone. Law enforcement can only effectively fight hate crimes if its strategies and procedures also involve communities. We need to enlist the aid of religious, community, business and educational groups, as well as NGO's, in an effort to moderate the impact of hate crimes and antisemitism; to reduce the potential for counterviolence; and to promote good police community relations.

Prior to the enactment of either federal or state anti-bias crime statutes, private organizations responded to antisemitism in the US by monitoring hate crimes and tracking the activities of hate groups, drafting model legislation and implementing anti-bias educational programs. Without the commitment of these NGOS, no data would have been available on these crimes. Their work still remains very much essential, however through the efforts of these NGOS, most states now provide funding, training and collection of data. Many of the states have implemented and have passed hate crime laws. Therefore, the importance of standardized law enforcement reporting and documentation is essential, and has been at the core of the successful investigation and prosecution of these types of crimes.

Standardized reporting, data collection, and documentation enables law enforcement professionals to analyze patterns and trends of hate crimes and antisemitism. It encourages reporting of these crimes by victims who might otherwise be reluctant to do so. And as I have seen personally, it has demonstrated in the United States to the community that we as law enforcement professionals are sincerely committed to pursue vigorously the offenders. And most importantly, I have seen this sharpen community awareness and reduce fear.

During my travels to other jurisdictions and nations, I have personally seen seasoned and jaded law enforcement officers who were disdainful of the impact of hate crime statutes, who, once well trained, not only understood the damage these crimes do to the fabric of social order, but became energized to find effective ways to combat them. They became motivated by a desire to protect and serve their citizenry and facilitate the administration of justice for their nation.

From years of experience, North American law enforcement officials now understand a simple lesson: one hate crime in a community may seem inconsequential compared to other crimes, but it opens the door to further incidents which can easily escalate into a larger order-maintenance problem or public safety concern. Perhaps the best known example is that of Billings, Montana over a decade ago. The police chief there, Wayne Inman, had seen the deadly results of escalating hate crime in Portland, Oregon, and he understood the need to clamp down firmly after a brick was thrown through a window of a house displaying a menorah in his jurisdiction. The Billings response – which involved not only law enforcement but religious, community, and other groups – became a model.

We must remember that, while hate crime investigation and prosecution is primarily a governmental function through law enforcement, it works best when other parts of the

community are fully involved. Data collection is important, but its utility is not maximized when only law enforcement officials have access to the data. If it is publicized and presented in a way that allows for comparison in different jurisdictions, academics, journalists, practitioners and others can analyze, compare, contrast and identify not only trends but also best practices.

Professionals in the fields of both law enforcement and victim assistance feel a growing desire to respond more effectively to the victims of antisemitic crimes and to work more effectively together. Until very recently, however, there have been few opportunities in Europe for professionals from these fields to share information and almost no opportunities for interdisciplinary training.

I understand that the challenges in Europe are more complex than those in the United States. Here we have a federal system and 50 state governments. In Europe there are many different nations and cultures with different traditions coming together to try and define effective ways of dealing with a common problem: antisemitism.

The Berlin meeting tasked OSCE and specifically ODHIR with monitoring antisemitism and helping countries identify and adopt best practices. Law enforcement agencies throughout the OSCE region, as well as NGOs such as EUMC, have a major role in this enterprise. But in order for the various governments to do what needs to be done, their respective law enforcement agencies need to work with those in their profession of law enforcement.

What I am here to discuss with you today is the prospect of identifying and bringing together experienced law enforcement officials from around the globe, each an expert in hate crime investigation in their various countries, and having them – through OSCE – train their counterparts in Europe. In my experience, law enforcement officials learn best from other law enforcement officials. While academics, NGOs and others have an important role to play, law enforcement officials have much more credibility among their peers, and they must be the centerpiece for any successful program.

I have spoken with law enforcement hate crime experts in the US, Canada and Europe who are eager to help make the promise of the language of the Berlin Conference become a reality in the streets of Europe. They are willing to travel to Europe, hold pre-meetings with law enforcement officials of countries which will take part in this program to help identify local laws, customs, traditions and structures which might require adjustments in the lessons of “best practices.” Together they will then help create and execute a program to build a new cadre of trainers inside each country.

Of necessity, this training will include a clear and concise formal hate crimes investigatory model. The mission of the training will be to heighten the effectiveness of OSCE’s nations law enforcement agencies in identifying, reporting, investigating and prosecuting hate crimes.

This curriculum should be developed to address the range of issues relevant to hate and antisemitic crimes: deterrence and prevention; the needs of victim and community; and investigation, reporting and prosecution of these crimes in the criminal justice system.

The curriculum will also be developed in a modular format to enable specific European nations to adapt and customize their own training based on their own needs and time constraints. The modules of the curriculum should be developed sequentially, and occasionally one module will be a prerequisite for another module.

I am aware that OSCE's task of monitoring antisemitism across the region is a more difficult challenge than any parallel task in the United States. Countries in Europe, much more so than U.S.'s 50 states, have different laws. Some data, which can be collected in one country cannot be collected in another, for example. But by training law enforcement officials across the region we can help maximize the possibility of obtaining uniform data so that meaningful comparisons and identification of trends and best practices will become possible. Data collection sounds like an academic enterprise, but used properly it can be a gold mine for combating hatred. We need to view the data from these dastardly acts as the "lemon" from which to make "lemonade." But this data, however catalogued and used, is largely dependent upon the information collected by the police responders to the scene of a hate crime. By training the trainers in the various countries, we hope to help the front-line responders do the best job possible, which is a precondition for letting others throughout society – human rights organizations, journalists, media and others – do their jobs well too.

While I cannot underscore enough the need for professional law enforcement in the OSCE region to learn directly from other law enforcement, no training can work as well as it must without the active involvement and support of victim communities. They provide the context, the nuance, the urgency and support. I have spoken with many members of the Jewish communities from around Europe, most recently in Berlin and at the annual meeting of the American Jewish Committee in Washington last month, and I can tell you that they are eager to help such an initiative. Members of the community can often act as the eyes and ears of law enforcement if they know that law enforcement professionals will respond to hate crime incidents quickly and effectively.

International projects, such as this, involving law enforcement, community and NGOs can go a long way toward combating antisemitism and hate crimes. Projects of such a magnitude also display to the world community that all areas and levels of government are now working together to combat antisemitism. Finally, projects that are undertaken by the law enforcement community show that policing is not a reactive function, and that law enforcement agencies are willing and able to display the necessary leadership to combat societal problems that may ultimately become their responsibility.

In closing, let me thank this commission for continuing to shine the light on the problem of growing antisemitism in Europe, and helping define concrete actions to counteract it. On behalf of the American Jewish Committee, as well as the many law enforcement officers around the globe – Jewish and non-Jewish – with whom I work, and who are committed to using all appropriate tools of law enforcement to combat antisemitism, I look forward to working with you, the OSCE and others to help implement a realistic law enforcement program, which will help European nations implement effective measures to combat antisemitism.

